LIBRARY
SUPREME COURT, U. S.

FILED
FEB 5 1968
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1967

No. 769

SKYLINE HOMES, INC.,
Petitioner,
v.
NATIONAL LABOR RELATIONS BOARD
Respondent.

PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI ON BEHALF OF SKYLINE HOMES, INC.

LARRY S. DAVIDOW,
Attorney for Petitioner,
3210 Book Tower,
Detroit, Michigan 48226.

Interstate Brief & Record Co., 356 E. Congress St., Detroit, Michigan 48226
WO. 2-8745—WO. 2-8732

IN THE

Supreme Court of the United States

OCTOBER TERM, 1967

No. 769

SKYLINE HOMES, INC.,
Petitioner,
v.
NATIONAL LABOR RELATIONS BOARD
Respondent.

PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI ON BEHALF OF SKYLINE HOMES, INC.

Now comes Skyline Homes, Inc., petitioner by Larry S. Davidow, its attorney, and petitions this Honorable Court for a rehearing of its Petition for Writ of Certiorari, on the grounds hereinbelow set forth.

1. Petitioner Skyline Homes has been denied the right of free speech and free press, and has been denied the equal protection of the laws, in violation of the First and Fourteenth Amendments to the Constitution of the United States, by the action of the National Labor Relations Board,

through its regional office, in failing and refusing to abide by and comply with the provisions of the Labor-Management Act by its unlawful interference in the negotiations between Petitioner and the Union, and in relation to Petitioner's letters to its employes.

2. National Labor Relations Board counsel, in the brief filed in opposition to Petitioner Skyline Homes' petition for Writ of Certiorari, for the first time admitted that the letters "were not unlawful in and of themselves"; nevertheless, the NLRB as well as the Union demanded that Skyline Homes retract the letters. In addition, the NLRB stressed the importance of the letters in both the hearing before the Special Master and in its argument to the Court of Appeals, as is demonstrated in the Opinion of the Court of Appeals (Fifth Circuit), in which the Court states that the letters and refusal to retract are part of the "cumulative background". (Pp. 3, 4, 5 of Appendix to Petition for Writ of Certiorari.)

3. The record conclusively shows that Petitioner Skyline Homes committed no act that did interfere or could have intefered with any union organizing activity. On the contrary, the Union made no effort to organize Petitioner's employes since 1960, and relied on the NLRB to forcibly compel Petitioner Skyline Homes to deal with the Union as the sole bargaining agent for its employes, although not a single employe of Petitioner Skyline Homes was or ever had been a member of the Union, thereby relieving the Union of any necessity for organizing or attempting to organize Petitioner's employes.

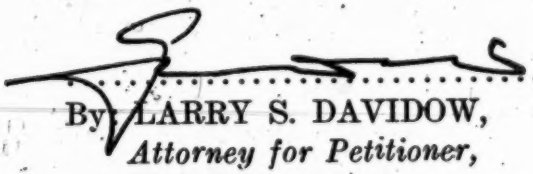
4. Collective bargaining between the Union and Petitioner Skyline Homes had been and was in progress when the NLRB intervened. The NLRB, through its agents, advised, influenced and persuaded the Union to break off nego-

tiations with Petitioner, in violation of the law. Union negotiations would have continued but for interference of the NLRB.

5. The record clearly establishes that the NLRB has not sustained the burden of proof against Petitioner Skyline Homes, and if the decision of the Court of Appeals is permitted to stand, Petitioner Skyline Homes will be deprived of its property without due process of law, in violation of the Fourteenth Amendment to the Constitution of the United States.

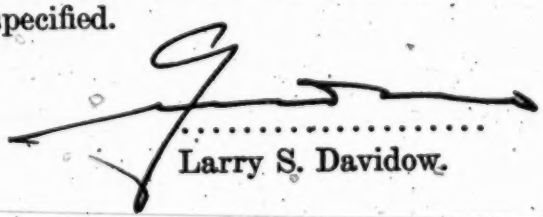
Respectfully submitted,

SKYLINE HOMES, INC., Petitioner,



By LARRY S. DAVIDOW,
Attorney for Petitioner,
3210 Book Tower,
Detroit, Michigan 48226.

I, Larry S. Davidow, do hereby certify that this Petition for Rehearing of the Petition for Writ of Certiorari on Behalf of Skyline Homes, Inc., is presented in good faith and not for delay, and that the Petition is restricted to the grounds hereinabove specified.



Larry S. Davidow.

Dated: January 26, 1968.